THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.13696 OF 1998

ORAL ORDER:

The petitioners herein claimed to be landless poor persons. They were granted DKT pattas long back, pursuant to which, they have been continuing in possession and enjoyment of different extents of land assigned to them.

In this writ petition the petitioners are questioning the order passed by the Joint Collector, Chittoor dated 20.4.1998, under which the assignment granted to them was cancelled on the ground that they are not landless poor persons and, therefore, they are ineligible for grant of assignment.

It is to be noted that admittedly, the said order was preceded by a show cause notice dated 19.12.1997, questioning which, the petitioners earlier filed W.P.No.12201 of 1998. The said writ petition was disposed of by this Court by order dated 29.4.1998 directing the respondents to give a reasonable opportunity of hearing to the petitioners and that the respondents shall receive whatever material that is made available by the petitioners in support of their case. However, the impugned order of cancellation was passed without complying with the order of this Court in W.P.No.12201 of 1998. Hence, this writ petition contending *inter alia* that the impugned order was not only against the fundamental principles of natural justice, but also in gross violation of the order passed by this Court in W.P.No.12201 of 1998. The petitioners alleged that though the impugned order was passed on 24.8.1998, it was signed on 1.5.1998 and dispatched on 2.5.1998 after this Court passed orders in W.P.No.12201 of 1998. It is also alleged that the impugned order was antedated at the instance of local political leaders deliberately to overreach the order of this Court.

Though *Rule nisi* was ordered on 13.5.1998, the respondents failed to file any counter affidavit and the version of the petitioners

stood unrebutted. Further, the interim direction dated 13.5.1998 granted by this Court suspending the impugned order continued to be in force throughout.

Having regard to the facts and circumstances of the case and in the absence of any counter on behalf of the respondents since it is clear that the impugned order was passed without taking note of the earlier order of this Court in W.P.No.12201 of 1998, the impugned order is hereby set aside and the writ petition is disposed of with a direction to the 1st respondent to pass appropriate orders afresh in accordance with law in terms of the order dated 29.4.1998 in W.P.No.12201 of 1998. No costs.

(G. ROHINI).

21st February, 2007.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.13696 OF 1998

21st February, 2007.

Between:

T. Ellamma and others. .. Petitioners.

And

The Joint Collector, Chittoor district,
Chittoor, Andhra Pradesh and others. .. Respondents.